

REMARKS

The indication in the Office Action that claims 1-9, 11, 12, 19, 22-24 and 32 are allowed is acknowledged with appreciation.

The rejection of claim 10 under 35 USC § 112, second paragraph, as allegedly being indefinite is respectfully traversed. Specifically, Applicants respectfully disagree with the Examiner's assertion that claim 10 is not within the scope of claim 9 from which it depends (see line 6 at page 2 of the Office Action).

Contrary to the Examiner's assertion, claim 10, which requires, *inter alia*, that R³ is t-butoxycarbonyl-ethenyl, properly depends on claim 9 (which requires that R³ is an alkenyl group). An "alkenyl" group, as defined at paragraph [0020] of the specification, is a hydrocarbyl group having at least 2 carbon atoms and at least one carbon-carbon double bond. This definition clearly embraces ethenyl, which is simply a 2 carbon alkenyl. The presence of t-butoxycarbonyl-substitution on the ethenyl moiety (as contemplated by claim 10) does not change the fact that R³ is still an ethenyl moiety. Therefore, claim 10 is clearly within the scope of claim 9 from which it depends. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

In view of the remarks provided herein, it is respectfully submitted that the present application is now in condition for allowance. Accordingly, reconsideration and favorable action on all claims is respectfully requested. In the event any matters remain to be resolved in view of

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this communication, the Examiner is encouraged to call the undersigned so that a prompt disposition of this application can be achieved.

Respectfully submitted,

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By



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